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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,898	07/28/2003	Jung-Chih Kuo	10112591	7430
34283	7590	07/13/2004	EXAMINER	
QUINTERO LAW OFFICE 1617 BROADWAY, 3RD FLOOR SANTA MONICA, CA 90404			NGUYEN, HUNG	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/628,898

Applicant(s)

KUO, JUNG-CHIH

Examiner

Hung Henry V Nguyen

Art Unit

2851

-- The MAILING DATE of this communication appears on the *counter* with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3-10 and 13-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ausschnitt et al (U.S.Pat. 5,965,309).

With respect to claims 1 and 11, Ausschnitt et al (figures 19-20) discloses an exposure system and corresponding method comprising all basic features of the instant claims such as: a

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compensation unit (see block 358; see col.17, lines 7-22) to receive at least one adjustment value of a corresponding overlay parameter according to the adjustment value and an adjustment formula (see block 356) corresponding to the equipment parameter and an exposure apparatus to perform overlay and exposure processes on a wafer in accordance with the compensated overlay parameter.

As to claims 2 and 13, Ausschitt discloses the compensation unit calculates a compensation value according to the adjustment value and the adjustment formula, and compensates the overlay parameter using the compensation value (see col.5, lines 40 through col.6, line 33).

3. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Jun et al (U.S.Pat. 6,700,648).

With respect to claims 1 and 11, Jun et al (figure 1) discloses an exposure system and corresponding method comprising all basic features of the instant claims such as: a compensation unit (30) to receive at least one adjustment value of a corresponding overlay parameter according to the adjustment value and an adjustment formula (for example, please see col.4, lines 10-15; col.8, lines 30-60) corresponding to the equipment parameter and an exposure apparatus (10) to perform overlay and exposure processes on a wafer in accordance with the compensated overlay parameter.

As to claims 2 and 13, Ausschitt discloses the compensation unit calculates a compensation value according to the adjustment value and the adjustment formula, and compensates the overlay parameter using the compensation value (see abstract and claim 1).

4. Claims 1-2, 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al (US 2002/0111038).

With respect to claims 1 and 11, Matsumoto et al (figures 1-2) discloses an exposure system and corresponding method comprising all basic features of the instant claims such as: a compensation unit (31) to receive at least one adjustment value of a corresponding overlay parameter according to the adjustment value and an adjustment formula (see section [0049]) corresponding to the equipment parameter and an exposure apparatus (21-22) to perform overlay and exposure processes on a wafer in accordance with the compensated overlay parameter.

As to claims 2 and 13, Matsumoto et al discloses the compensation unit calculates a compensation value according to the adjustment value and the adjustment formula, and compensates the overlay parameter using the compensation value (see section [0055]).

***Allowable Subject Matter***

5. Claims 3-10, 13-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Claims 3-10 and 13-20 have been found allowable since while the prior art of record teaches an exposure apparatus having a compensation unit, and an exposure device but does not specifically teach computing the equipment parameter based on the formula, and satisfying conditions as recited in the instant claims.

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***Prior Art Made of Record***

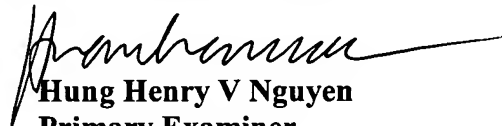
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogata (U.S.Pat. 6,221,787) and Bode et al (U.S.Pat. 6,368,883) disclose exposure systems, each of which comprises substantially all elements as recited in the instant claims of the present application.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 571-272-2112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Hung Henry V Nguyen**  
**Primary Examiner**  
**Art Unit 2851**

hvn  
7/7/04